

1 UNITED STATES DISTRICT COURT OF OHIO  
2 NORTHERN DISTRICT  
3 WESTERN DIVISION

3 ROBIE GASTON, )  
4 )  
5 Plaintiff, )  
6 vs. ) Case No.  
7 FINANCE SYSTEM OF TOLEDO, ) 3:18-CV-02642-JJH  
8 INC., ) Judge Helmick  
9 Defendant. )

10 - - -

11  
12 DEPOSITION OF ROBIE GASTON

13  
14 DATE: September 10, 2019 at 10:02 a.m.

15  
16 PLACE: Collins Reporting Service, Inc.  
17 615 Adams Street  
18 Toledo, Ohio

19  
20 REPORTER: Casey G. Schreiner, RMR-RDR  
21 Notary Public  
22  
23  
24

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17 ALSO PRESENT:

18 Nancy Quiroga (via videoconference)  
19 Randy Parker (via videoconference)  
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1                                   ROBIE GASTON,  
2   a Plaintiff herein, called by the Defendant as if upon  
3   Examination, was by me first duly sworn, as  
4   hereinafter certified, deposed and said as follows:

5                                   EXAMINATION

6   BY MR. GENTRY:

7               Q.     Good morning. My name is Boyd Gentry.  
8   I'm an attorney. I represent the defendant in this  
9   case.

10                    Could you give us your full name, please.

11           A.     Robie Gaston.

12           Q.     How do you spell that, please?

13           A.     R-o-b-i-e, G-a-s-t-o-n.

14           Q.     Do you have a middle name?

15           A.     No.

16           Q.     How old are you, Mr. Gaston?

17           A.     55.

18           Q.     Where do you live?

19           A.     5923 Walnut Circle Drive, F-11, Toledo,  
20   Ohio, 43615.

21           Q.     How long have you lived there?

22           A.     Going on two years.

23           Q.     Where did you live before that?

24           A.     6543 Walnut Circle Drive -- excuse me.

1 Oh, shucks, what was the -- my memory is bad -- Dorr  
2 Street, Apartment 43, Toledo, Ohio, 43615.

3 Q. Now, I see that you had to look at a  
4 piece of paper to remember that address.

5 What was the paper you're looking at?

6 A. The paper that my attorney told me to  
7 bring, which is from Finance Systems.

8 Q. Okay. You have a couple papers there.  
9 Could you share that, please, with Jim, who is seated  
10 to your right.

11 MR. NOWAK: May I look at those  
12 documents? Thank you.

13 I'm being handed the documents to  
14 look at, and I'm unfolding them.

15 The documents appear to be copies of  
16 letters; is that correct?

17 THE WITNESS: Yes.

18 MR. NOWAK: And they appear to be --  
19 it's dated 1-15-18; is that correct?

20 THE WITNESS: Yes.

21 MR. NOWAK: And the other document  
22 is dated 4-05-18; is that correct?

23 THE WITNESS: Yes.

24 MR. NOWAK: Boyd, do we want to make

1                   copies of these documents and mark them  
2                   as exhibits?

3                   MR. GENTRY: Yes, that would be  
4                   great.

5                   (Discussion had off the record.)

6                   (Court Reporter marked  
7                   Defendant's Exhibits A and B.)

8 BY MR. GENTRY:

9                   Q.     We took a brief recess there to mark the  
10                  documents that you brought with you, Mr. Gaston, and  
11                  it appears that those documents are copies of the  
12                  originals.

13                  Did you bring the originals with you?

14                  A.     No.

15                  Q.     Where are the originals of these  
16                  documents?

17                  A.     I have no idea. Probably -- probably  
18                  with you guys.

19                  Q.     Could you look at the documents that you  
20                  brought with you, please.

21                  A.     They came from Finance Systems.

22                  Q.     Okay. Is it a letter with a date on it?

23                  A.     Yes.

24                  Q.     What's the date on that?

1           A.     1-15 of '18, and then the other one is  
2 4-5 of '18.

3           Q.     Do they have a mark on the bottom right  
4 that says Gaston 00002 and then No. 3? Do you see  
5 that?

6           A.     Yeah. One ends in 1 and one ends in 2.

7                   MR. NOWAK: Which one is which? Can  
8 you identify it by this number here, what  
9 that is, Exhibit B is?

10                  THE WITNESS: Exhibit B ends in 1,  
11 Exhibit 2 ends in A [sic].

12 BY MR. GENTRY:

13           Q.     That marking there where it says your  
14 name, Gaston, and then a string of zeroes, 1, 2, and  
15 3, who put that number on there?

16           A.     I have no idea.

17           Q.     Have you seen these -- when was the first  
18 time that you saw these documents?

19           A.     I got these -- my attorney printed these.  
20 My attorney printed this off. My attorney sent me  
21 these.

22           Q.     Did you get these in the mail from your  
23 attorney?

24           A.     Pardon me?



1 Q. Did you get these in the mail from your  
2 attorney?

3 A. No.

4 Q. Did your attorney e-mail them to you?

5 A. Yes.

6 Q. What e-mail address did you use to  
7 receive this?

8 A. My e-mail address.

9 Q. What's your e-mail address?

10 A. gastonrobie64@gmail.com.

11 Q. When did you receive that e-mail with  
12 these documents?

13 A. Yesterday.

14 MR. HATZIDIMITRIADIS: Object.

15 This is Mr. Hatzidimitriadis. I have to  
16 object to some of these questions, so  
17 before you answer, if you can just allow  
18 me a couple seconds to do so, that would  
19 be helpful.

20 But you may go ahead and answer that  
21 question.

22 THE WITNESS: Okay. Yesterday.

23 BY MR. GENTRY:

24 Q. Had you seen these documents before

1 yesterday?

2 A. Yes.

3 Q. When did you first see these documents?

4 A. I have no idea. I don't remember.

5 Q. How did your lawyer get them?

6 A. I sent them to him.

7 MR. HATZIDIMITRIADIS: He has no  
8 idea how he's supposed to answer that  
9 questions.

10 If you understand the question,  
11 Mr. Gaston, you may answer it.

12 BY MR. GENTRY:

13 Q. How did you send them to your lawyer?

14 A. I don't remember.

15 Q. Who is your lawyer?

16 A. That was almost a year ago.

17 Q. What is your lawyer's name?

18 A. They originally went to -- they  
19 originally went to Amy.

20 Q. What's Amy's last name?

21 A. I don't know. She has a funny last name.

22 Q. What city is she in?

23 A. Chicago, Illinois.

24 Some of these questions are ridiculous.

1 MR. HATZIDIMITRIADIS: Boyd, where  
2 are you going with these questions? I'm  
3 not really objecting, because I don't see  
4 how you'll get discovery information from  
5 this; but, to be honest, again, I think  
6 it's just wasting time at this point.

7 BY MR. GENTRY:

8 Q. So how did you find Amy?

9 MR. HATZIDIMITRIADIS: Objection.

10 THE WITNESS: A friend of a  
11 friend.

12 MR. HATZIDIMITRIADIS: Mr. Gaston,  
13 you don't have to answer these questions.

14 THE WITNESS: Okay.

15 MR. HATZIDIMITRIADIS: You ask  
16 pertinent questions, or I'm going to end  
17 the deposition right now. You're not  
18 asking any pertinent questions about the  
19 case right now.

20 BY MR. GENTRY:

21 Q. Mr. Gaston, how did you first come into  
22 contact with -- let me ask, is Amy a lawyer?

23 A. I would imagine she's a lawyer.

24 Are you a lawyer?

1           Q.     How did you come to contact Amy in  
2 Chicago?

3                   MR. HATZIDIMITRIADIS:  Objection.  
4 Attorney-client privilege.

5                   You do not have to answer that,  
6 Mr. Gaston.

7                   Boyd, please, we need to move on.  
8 If you have questions about the letter  
9 specifically, you may ask him that;  
10 otherwise, these questions are  
11 irrelevant.

12                  MR. GENTRY:  Counsel, I would ask  
13 you to not make speaking objections or  
14 speeches on the record.  I'm trying to  
15 get through a deposition, please.  This  
16 is highly relevant material.  This is  
17 absolutely admissible.  Please don't  
18 interrupt anymore.

19                  MR. HATZIDIMITRIADIS:  It's  
20 attorney-client privilege.  These are  
21 communications with his attorney; thus,  
22 they are protected --

23                  MR. GENTRY:  I am not --

24                  MR. HATZIDIMITRIADIS:  -- under

1 the --

2 MR. GENTRY: -- asking about  
3 attorney-client privileged  
4 communications. I have not --

5 MR. HATZIDIMITRIADIS: The  
6 communications --

7 MR. GENTRY: -- asked him the  
8 contents of any communications.

9 THE COURT REPORTER: Folks, you  
10 have to speak one at a time.

11 MR. HATZIDIMITRIADIS: You're  
12 asking --

13 MR. GENTRY: I would like --

14 MR. HATZIDIMITRIADIS: -- about  
15 communications --

16 MR. GENTRY: -- to continue --

17 THE COURT REPORTER: One at a  
18 time.

19 MR. GENTRY: -- with the deposition.

20 THE COURT REPORTER: We'll go  
21 off the record. I can't take two people  
22 at once.

23 MR. GENTRY: That's fine. I plan to  
24 keep asking questions.

1                   And, counsel, I would ask you not to  
2                   interrupt, please.

3 BY MR. GENTRY:

4           Q.     Do you have an attorney fee agreement  
5 with your lawyer?

6                   MR. HATZIDIMITRIADIS:  Objection.  
7                   Attorney-client privilege.

8                   Mr. Gaston, you do not have to  
9                   answer that question.

10                  THE WITNESS:  Okay.

11 BY MR. GENTRY:

12           Q.     Mr. Gaston, have you paid your attorneys  
13 anything?

14                   MR. HATZIDIMITRIADIS:  Objection.  
15                   Attorney-client privilege.

16                   You do not have to answer that  
17                   question.

18                  THE WITNESS:  What does this have to  
19 do with --

20                  MR. GENTRY:  I do not --

21                  THE WITNESS:  What does this have to  
22 do with what we came here for?  Nothing.

23 BY MR. GENTRY:

24           Q.     Mr. Gaston, have you agreed with your

1 attorneys to compensate them in any way?

2 MR. HATZIDIMITRIADIS: Objection.

3 Attorney-client privilege.

4 You do not have to answer that,

5 Mr. Gaston.

6 BY MR. GENTRY:

7 Q. Mr. Gaston, who is paying your attorneys  
8 for their work in this case?

9 MR. HATZIDIMITRIADIS: I'm going  
10 to object on the grounds of relevance.

11 If you know the answer, Mr. Gaston,  
12 you may answer it.

13 BY MR. GENTRY:

14 Q. Can you please answer the question,  
15 please?

16 A. When the time comes, I am.

17 Q. And how much are you going to pay your  
18 attorneys for their services in this case?

19 A. That's irrelevant.

20 MR. HATZIDIMITRIADIS: Objection.  
21 Objection. Attorney-client privilege.

22 You do not have to answer that  
23 question.

24 BY MR. GENTRY:

1 Q. How did you find Amy?

2 A. We went over that once before.

3 MR. HATZIDIMITRIADIS: Objection.

4 Attorney-client privilege.

5 You do not have to answer that  
6 question.

7 BY MR. GENTRY:

8 Q. Who was the friend that directed you to  
9 Amy?

10 Please answer the question.

11 A. What does that have to do with this?  
12 Nothing.

13 Q. Mr. Gaston, I'll ask you again, and  
14 please answer the question.

15 Mr. Gaston, are you refusing to answer  
16 that question?

17 A. Probably, because it has nothing to do  
18 with this.

19 Q. Well, I need to know clearly. Are you  
20 refusing to answer the question?

21 A. Yes.

22 MR. GENTRY: Your counsel has not  
23 directed you to not answer the question.

24 This is a matter, like all the others,



1                   that we'll have to bring up with the  
2                   judge, and we'll have to come back here  
3                   at great expense to do this again. But  
4                   I'll move on.

5                   MR. HATZIDIMITRIADIS: Objection.  
6                   Boyd, you're harassing and intimidating  
7                   the witness right now. That's not  
8                   appropriate.

9                   Mr. Gaston, if you understand the  
10                  question, you may otherwise just answer  
11                  truthfully.

12                  THE WITNESS: Adile Washington  
13                  (phonetic).

14 BY MR. GENTRY:

15                  Q.     How do you spell that name, please?

16                  A.     I don't know how to spell her first name.  
17                  Washington is spelled just like it is.

18                  Q.     And how do you know this person?

19                  A.     We used to work together.

20                  Q.     Is Washington a man or woman?

21                  MR. HATZIDIMITRIADIS: Boyd, these  
22                  questions are ridiculous. I mean, at  
23                  any --

24                  MR. GENTRY: I'm trying my best --

1 I'm trying to identify who this  
2 Washington --

3 THE COURT REPORTER: One at a  
4 time.

5 MR. HATZIDIMITRIADIS: What does  
6 that have to do -- if you you can explain  
7 to me what that has to do with finding  
8 admissible evidence in this case, I'll  
9 entertain it; otherwise, it's completely  
10 out of line, Boyd.

11 MR. GENTRY: Once again, Ted, please  
12 stop making speeches --

13 MR. HATZIDIMITRIADIS: Teddy.

14 MR. GENTRY: -- on the record.

15 MR. HATZIDIMITRIADIS: Teddy,  
16 Teddy.

17 MR. GENTRY: I'll ask questions.  
18 You may object, and then we'll proceed.  
19 You're delaying the deposition.

20 MR. HATZIDIMITRIADIS: I'm not  
21 delaying the deposition. You don't have  
22 the right to ask anything you want. The  
23 testimony has to lead to admissible  
24 evidence. None of these questions are

1                   pertinent to anything.

2 BY MR. GENTRY:

3           Q.     And so am I correct that your Washington  
4 friend gave you the name of Amy, the one you believe  
5 is a lawyer in Chicago?

6           A.     Yeah.

7                   MR. VOLHEIM:   Teddy.

8                   MR. HATZIDIMITRIADIS:  Can we go off  
9 the record for a second?  I think my  
10 colleague wants to speak to me.

11                  MR. GENTRY:  No.  I'd like to  
12 continue.

13                  MR. VOLHEIM:  Teddy.  This is --

14                  MR. GENTRY:  If you contact this  
15 Amy --

16                  MR. VOLHEIM:  -- Nate.  Teddy --

17                  MR. HATZIDIMITRIADIS:  Yes?

18                  MR. VOLHEIM:  -- can you --

19                   THE COURT REPORTER:  We've got  
20 three people talking at the same time and  
21 the sound is breaking up.  We're off the  
22 record.

23                               (Pause.)

24                               (Mr. Hatzidimitriadis is not

1 present via web conference.)

2 MR. VOLHEIM: This is  
3 Nathan Volheim. I'm an attorney for the  
4 plaintiff. I have an appearance on the  
5 case. I will be taking over the  
6 deposition from Teddy who has to go  
7 somewhere.

8 MR. GENTRY: Okay. Great. Welcome,  
9 Nathan. All right.

10 BY MR. GENTRY:

11 Q. Mr. Gaston, when you lived at the Dorr  
12 Street apartment, who lived there with you?

13 A. My daughter.

14 Q. Is your daughter a minor today?

15 A. Yes.

16 Q. How many children do you have?

17 A. Okay. What does that have to do -- you  
18 know what? I'm kind of fed up with this deposition.

19 What does that have to do with this?

20 Q. How many children do you have?

21 A. What does that have to do with this?

22 MR. VOLHEIM: Mr. Gaston, this is  
23 Nate. I understand that it has nothing  
24 to do with it. Counsel is fishing.

1                   You can go ahead and answer the  
2                   question, okay.

3                   THE WITNESS: This is wasting my  
4                   doggone day. I got stuff to do.

5                   MR. VOLHEIM: Let's go off the  
6                   record, please.

7                   MR. GENTRY: I would prefer -- I  
8                   want to stay on the record, please. On  
9                   the record. I want to get through this.  
10                  It's not that hard.

11                  MR. VOLHEIM: Okay. This can go on  
12                  the record then. Let the record reflect  
13                  that I tried to go off out of respect for  
14                  Boyd, but he wants it on the record.

15                  Mr. Gaston --

16                  MR. GENTRY: Yes. I'd like to  
17                  continue.

18                  MR. VOLHEIM: -- counsel doesn't  
19                  want --

20                  MR. GENTRY: I'd like to continue  
21                  with --

22                  THE COURT REPORTER: One person at a  
23                  time.

24                  MR. VOLHEIM: -- he doesn't want you

1                   to speak to the merits of the case, he  
2                   just wants to ask things so that you get  
3                   upset and don't answer his questions.

4                   What I would ask, I know it's  
5                   upsetting, but go ahead and answer his  
6                   questions, and I will object when I need  
7                   to. Okay?

8                   If you don't answer him, you're just  
9                   playing into exactly what he's trying to  
10                  have you do.

11                  THE WITNESS: Okay.

12 BY MR. GENTRY:

13                  Q.     How many children do you have,  
14                  Mr. Gaston?

15                  A.     Two.

16                  Q.     Are they both minors?

17                  A.     No.

18                  Q.     What is the first name of your adult  
19                  child, please?

20                  MR. VOLHEIM: Objection.  
21                  Relevance.

22                  You can go ahead and answer.

23                  THE WITNESS: Ariel Gaston. Do you  
24                  want me to spell that, too?

1 MR. GENTRY: Please.

2 THE WITNESS: A-r-i-e-l,  
3 G-a-s-t-o-n.

4 BY MR. GENTRY:

5 Q. What's the highest level of education  
6 you've completed?

7 A. Associate degree.

8 Q. Where did you go to school?

9 A. Com Tech, University of Toledo.

10 Q. And what did you study? What was your  
11 major?

12 A. Law enforcement.

13 Q. Are you employed?

14 A. No. I'm on disability.

15 Q. When were you last employed?

16 A. 2007. Excuse me, 2004.

17 Q. Who did you work for in 2004?

18 A. Lucas County Sheriff's Department.

19 Q. What was your position there?

20 A. Deputy sheriff.

21 Q. How long were you a deputy sheriff for  
22 Lucas County?

23 A. 10 years.

24 Q. Where were you employed before Lucas

1 County Sheriff's Office?

2 A. Security for Jeep.

3 Q. How long did you work for the Jeep plant?

4 A. Eight-and-a-half years.

5 Q. And is that the Jeep plant in Lucas  
6 County?

7 A. Yep.

8 Q. Have you ever sued anyone?

9 A. Nope.

10 Q. Have you ever been sued?

11 A. Probably.

12 Q. How many times have you been sued?

13 A. I can't remember.

14 Q. Have you been sued by the Toledo Clinic?

15 A. Who?

16 Q. The Toledo Clinic.

17 A. Not to my knowledge.

18 Q. Have you been sued by a health care  
19 provider?

20 A. Not to my knowledge.

21 Q. Have you been sued by Mercury Finance?

22 MR. VOLHEIM: Show an objection.

23 THE WITNESS: Not to my knowledge.

24 Who is Mercury Finance?



1 BY MR. GENTRY:

2 Q. Have you ever filed bankruptcy?

3 A. Yep.

4 Q. How many times have you filed bankruptcy?

5 A. Once to my knowledge.

6 Q. When you worked with Ms. Washington, who  
7 was the employer, the Lucas County sheriff or was it  
8 the Jeep plant?

9 A. Sheriff's department.

10 Q. I'm sorry. You broke up. Say that  
11 again.

12 A. Sheriff's department.

13 Q. And what was Ms. Washington's position in  
14 the sheriff's department?

15 A. Correction officer.

16 Q. Were you working in the jail for the  
17 sheriff's department?

18 A. Yes.

19 Q. Have you ever sought treatment at the  
20 Toledo Clinic?

21 A. Yep.

22 Q. Have you ever taken your minor daughter  
23 for treatment at the Toledo Clinic?

24 A. No.

1           Q.     You have in front of you the documents  
2 that have the stamp on them Gaston 1 through Gaston 3.

3                     You said you gave them to Amy, right?

4           A.     No, I didn't say that. You asked me what  
5 happened to them. I said I don't know.

6           Q.     You don't know how your lawyers came in  
7 possession of those?

8           A.     Yeah. I sent them to them.

9           Q.     And who did you send them to? Amy, is  
10 that right?

11          A.     Yes.

12          Q.     And would that have been an e-mail?

13          A.     No. I don't know how to e-mail, so it  
14 was either sent through mail or it was faxed to them.

15          Q.     Did you send it through the mail or fax  
16 it or did Ms. Washington do it for you?

17                     MR. VOLHEIM: Objection. Asked  
18 and answered.

19                     THE WITNESS: No, I did it myself.

20 BY MR. GENTRY:

21          Q.     Did you already have an ongoing  
22 relationship with the lawyers before you sent that?

23          A.     You're breaking up.

24                     MR. VOLHEIM: Objection.

1 Mr. Gaston --

2 BY MR. GENTRY:

3 Q. Did you already have the relationship --

4 MR. VOLHEIM: Mr. Gaston --

5 MR. GENTRY: -- with the lawyers  
6 before you sent that?

7 THE WITNESS: I hear you.

8 MR. VOLHEIM: Objection.

9 Attorney-client privilege.

10 You can answer that question,  
11 Mr. Gaston.

12 THE WITNESS: Okay. No.

13 BY MR. GENTRY:

14 Q. When did you first hire your attorneys?

15 A. When they -- when I spoke to them about  
16 this.

17 Q. And you're indicating the two letters you  
18 have in front of you. You're talking about that?

19 A. Right, right.

20 Q. Okay. And so that would have been after  
21 the -- you have two letters in front of you. One is  
22 dated January 15th, 2018. That is Gaston No. 2. And  
23 then you also have one marked Gaston 1, and it's dated  
24 April 5th, 2018, right?

1           A.     Right.

2                   MR. NOWAK:   Just for the record,  
3                   Boyd, if I may interrupt, the first  
4                   letter, just so the record is clear, the  
5                   letter dated January 15th, 2018, is  
6                   marked as Defendant's A; and the second  
7                   letter dated April 5th of 2018 is marked  
8                   as Defendant's B.

9                   MR. GENTRY:   I'm sorry.   Thank you.

10                  MR. VOLHEIM:   Whoever was just  
11                  speaking -- whoever was just speaking can  
12                  you identify themselves, please?

13                  MR. NOWAK:   Yes, James Nowak.  
14                  Co-counsel for defendant.

15                  MR. VOLHEIM:   Thank you, James.   I  
16                  appreciate it.

17                  MR. NOWAK:   No problem.   I just  
18                  wanted the record to be clear as to how  
19                  the exhibits were marked here.   Since I'm  
20                  the only one, with the exception of the  
21                  plaintiff and the court reporter, that  
22                  can actually see the marked exhibits at  
23                  this point.

24   BY MR. GENTRY:

1           Q.     So, Mr. Gaston, after you received  
2 Exhibit A, which is the January 15 letter, is that  
3 when you had this discussion with Ms. Washington and  
4 decided to send the letter to an attorney?

5           A.     No. I think it was sometime after that.

6           Q.     How long after the January letter date  
7 did you -- how long did you wait until you spoke with  
8 Amy about it? I'm sorry, with Ms. Washington.

9           A.     I don't know. It was after the -- it was  
10 after the April letter.

11          Q.     What about the April letter made you  
12 bring this up to Ms. Washington?

13          A.     I didn't bring it up. We were just  
14 having a conversation, and she brought it up to me.

15          Q.     You were having a conversation about  
16 letters that you had received in the mail?

17          A.     Yeah.

18          Q.     And when you were having this  
19 conversation, you were no longer employed with  
20 Ms. Washington, right?

21          A.     Right.

22          Q.     And so were you having this conversation  
23 at your house or her house?

24          A.     Her house.

1           Q.     And why were you at her house having a  
2 conversation about mail you received?

3           A.     Oh, for Christ's sake.  What difference  
4 does it make?

5                     MR. VOLHEIM:  Objection.  
6                     Relevance.

7                     Mr. Gaston, hold on, please.  Thank  
8 you.  I agree with you.

9                     Boyd, what is the relevance of that  
10 question?

11                    MR. GENTRY:  I don't have to explain  
12 the relevance.

13 BY MR. GENTRY:

14           Q.     Can you please answer the question?

15           A.     No, I refuse to.

16           Q.     Did Ms. Washington tell you that she had  
17 filed a lawsuit from receiving a letter?

18                    MR. VOLHEIM:  Objection.  
19                    Relevance.

20                    You can answer, Mr. Gaston.

21                    THE WITNESS:  May have.

22 BY MR. GENTRY:

23           Q.     And did she tell you that she had  
24 received any money from that lawsuit?

1 MR. VOLHEIM: Objection.

2 Relevance.

3 You can answer, Mr. Gaston.

4 THE WITNESS: Not at the time.

5 BY MR. GENTRY:

6 Q. Has she since told you that she received  
7 any money?

8 A. I don't talk to her that often.

9 Q. Why did your mail come up with her?

10 A. My mail didn't. She said if I had any  
11 letters, I could send them to her, to this attorney.  
12 That's how they came up.

13 Q. Okay. She said, If you've gotten any  
14 letters (inaudible), you could send them to her, and  
15 she would get them to a lawyer; is that right?

16 A. What?

17 Q. I'm sorry. You broke up. Is that right?

18 A. You broke up. What did you say?

19 Q. She told you, Ms. Washington told you  
20 that if you had received any letter asking you to pay  
21 money --

22 (Audio connection dropped.)

23 THE WITNESS: Now it's down.

24 THE COURT REPORTER: We can't hear

1                   you.

2                   (A brief recess was had.)

3                   (Nancy Quiroga and Randy Parker are  
4                   not present via videoconference.)

5 BY MR. GENTRY:

6               Q.     So is it correct, Mr. Gaston, that you  
7     had this conversation with Ms. Washington, then you  
8     brought her, in person, the two letters that are  
9     marked as Exhibits A and B?

10           A.     Wrong.

11                   MR. VOLHEIM:  Objection.  Hold on.

12                   Mr. Gaston, go ahead, Mr. Gaston,  
13                   you can answer that.

14                   THE WITNESS:  No.  She was just  
15                   informing me what she had done.  She had  
16                   sent them to this attorney that she had  
17                   found out about, and so she gave me this  
18                   attorney's, Amy's information, and I just  
19                   called Amy and told her I had some  
20                   letters.

21                   So she told me to send them or fax  
22                   them to her and she would look them over,  
23                   and that's what it was.

24 BY MR. GENTRY:



1 Q. Why did you want to go to a lawyer?

2 A. Ms. Washington said because there was a  
3 possibility that if it was wrongdoing in the letters,  
4 that you could get money for them.

5 Q. When you had read the letters and spoke  
6 with Ms. Washington, was there something wrong with  
7 the letter that you noticed?

8 A. I have no idea. I'm not an attorney, so  
9 I can't look at something and tell if something's  
10 wrong with it.

11 Q. So did you read the letters when you got  
12 them in the mail?

13 A. Yeah.

14 Q. And when you read them, you didn't notice  
15 anything that was wrong, but Ms. Washington brought up  
16 that maybe a lawyer should look at it, right?

17 A. Something other than --

18 MR. VOLHEIM: Objection -- hold  
19 on, Mr. Gaston.

20 Objection. Misstates the testimony.  
21 You can go ahead and answer,  
22 Mr. Gaston.

23 MR. GENTRY: He's in the middle of  
24 an answer. Please don't interrupt him.

1           MR. VOLHEIM: I can get an objection  
2           on the record. I'm sorry that this is  
3           telephonic, we had to wait for you. You  
4           certainly can wait for me to get my  
5           objection on, then Mr. Gaston can answer.

6           If you didn't want the delay, we  
7           would have all been sitting in a room  
8           there. All right.

9           So I will make an objection. And if  
10          it's, unfortunately, it's during when my  
11          client's speaking, I apologize, but  
12          that's the nature of the beast that you  
13          chose.

14          So going back to it. Objection.  
15          Misleading and misstates his testimony.

16          You can go ahead and answer,  
17          Mr. Gaston.

18          THE WITNESS: Other than where it  
19          says Gaston 03, where they got these  
20          principals and interests and others where  
21          they got the zeroes or now, I mean, it  
22          bothered me whether or not now they got  
23          zeroes on here, whether or not later they  
24          was going to turn into dollar amounts.

1 BY MR. GENTRY:

2 Q. And so were the zeroes incorrect?

3 A. Pardon me?

4 Q. Were the zeroes that you're talking about  
5 correct or incorrect?

6 A. I have no idea. I have no idea. They  
7 just says Principal, Interest, Other, zero, zero,  
8 zero. It says zeroes now, but I'm just saying later  
9 on down the road before this was paid off, whether  
10 they was going to change into something else.

11 If it wasn't going to be nothing, why was  
12 it even on there in the first place?

13 Q. What does zero mean?

14 A. It means nothing now.

15 Q. So this Exhibit A, which is marked Gaston  
16 2 and 3, you -- you gave the originals to Amy, and you  
17 don't have them back; is that right?

18 A. No.

19 Q. You don't know where the originals are  
20 after you gave them to Amy; is that right?

21 A. I would imagine they're still there. I  
22 don't have them.

23 Q. Still where?

24 A. With Amy and them.

1           Q.     Earlier you told me you may have faxed  
2 the letters to Amy. If you had faxed them, what would  
3 you have done with the original?

4           A.     I would probably still have them. What  
5 difference does it matter where the originals are?

6                     Does it matter where the originals are?

7           Q.     Is it fair to say that you don't know  
8 where the originals are?

9           A.     Does it matter?

10          Q.     Mr. Gaston, please answer the question.

11                     Is it fair that you do not know where the  
12 originals of Exhibits A and B are?

13          A.     Probably not.

14          Q.     Okay. So you do know where the originals  
15 are, right?

16          A.     You just answered the question. You told  
17 me I didn't know, so probably not.

18          Q.     So are you agreeing with me that you do  
19 not know where the originals are?

20          A.     Yeah, that's what you told me, so  
21 probably not.

22          Q.     If you look at the first page of Exhibit  
23 A, it says the total amount due is \$775.30.

24                     Do you see that?

1 A. Okay. Small writing, I can't see.

2 Q. Was that correct or incorrect?

3 A. I don't know. I have no idea what it's  
4 for.

5 Q. Okay. If you turn to the second page of  
6 Exhibit A, which is marked Gaston 3, do you see that  
7 on there there are six columns?

8 A. Uh-huh.

9 Q. Client Name, Client Reference Number,  
10 Principal, Interest and Total.

11 A. Uh-huh.

12 Q. Do you see the bottom right total is  
13 775.30?

14 A. Okay.

15 Q. And do you see that in that table there  
16 is a breakdown of the amounts that tally up to  
17 \$775.30?

18 Do you see that?

19 A. Okay.

20 Q. Are those amounts correct?

21 A. Once again, I'm going to say I don't  
22 know, because I have no idea what they're for. You're  
23 just showing me --

24 Q. Who is that letter from, Exhibit A?

1           A.     Who is it from?

2           Q.     Yes.  Who does the letter indicate that  
3 it's from.

4           A.     Finance Systems.

5           Q.     Have you spoken with anyone at Finance  
6 System of Toledo?

7           A.     I can't recall.

8           Q.     Have you ever sent money to anyone at  
9 Finance System of Toledo?

10          A.     I may have.

11          Q.     This January 15th, 2018, letter, is this  
12 the first letter that you received from Finance  
13 System?

14          A.     I don't -- I can't recall.  I don't know.

15          Q.     If Finance System has records that says  
16 that they have sent you a number of letters before  
17 this, would you disagree with that?

18          A.     Once again, I can't recall.

19          Q.     And if Finance System had records  
20 indicating that you had made payments on certain  
21 accounts, would you have any reason to disagree with  
22 that?

23          A.     If they said, no, I don't.  I'm sure I  
24 have made payments to different places.

1           Q.     Did you keep record of any of your  
2 payments or correspondence to Finance System of  
3 Toledo?

4           A.     I can't recall.

5           Q.     Did you understand when you received this  
6 January 15th, 2018, letter that this was a letter from  
7 a debt collector?

8           A.     Yeah. I know Finance System is.

9           Q.     You had had dealings with them before  
10 January of 2018, so you knew who they were, right?

11          A.     Yeah.

12          Q.     And you know what the Toledo Clinic is,  
13 right?

14          A.     Yeah. I go to the Toledo Clinic.

15          Q.     So for this January letter marked Exhibit  
16 A, if it says there the amount due on two Toledo  
17 Clinic accounts, are you telling me that you have no  
18 record for you to check to see if those amounts are  
19 owed by you?

20          A.     I'm sure they probably are, but I don't  
21 know what they're for.

22          Q.     Did you contact Finance System of Toledo  
23 after you received this January 2018 letter to ask  
24 what it was for?

1           A.     Listen, that was -- that was a year ago.  
2     That was over a year ago, and I can't remember.

3           Q.     Did you make any audio recordings of any  
4     telephone call with Finance System?

5           A.     I don't make audio recordings.

6           Q.     Did you send any correspondence to  
7     Finance System to ask about these bills or this  
8     letter?

9           A.     No.   No.

10          Q.     Are you aware of -- let me back up.

11                     There are a number of cases on the Toledo  
12     Municipal Court docket indicating that you have been  
13     sued by various creditors.

14                     Are you aware of that?

15          A.     Huh-uh.

16          Q.     And some of them were stayed, and your  
17     liability was ultimately discharged because you filed  
18     bankruptcy.

19                     Are you aware of that?

20          A.     No.

21          Q.     If you get a judgment against someone in  
22     municipal court and they don't pay that, what happens  
23     to that judgment?

24                     MR. VOLHEIM:  Objection.



1                   Hold on, Mr. Gaston. Don't answer  
2                   that.

3                   THE WITNESS: Okay.

4                   MR. VOLHEIM: Objection. Calls for  
5                   a legal conclusion, incomplete  
6                   hypothetical.

7                   Go ahead and answer to the extent  
8                   you can, Mr. Gaston.

9                   THE WITNESS: Okay.

10                  Can you repeat, the what now?

11 BY MR. GENTRY:

12                  Q.     If you get a judgment against someone in  
13                  Toledo Municipal Court and they don't pay it, does  
14                  that judgment remain the same amount or does it ever  
15                  add interest?

16                  MR. VOLHEIM: Same objection.

17                  Go ahead. Mr. Gaston.

18                  THE WITNESS: Okay. I guess it -- I  
19                  don't know. I guess it adds interest, I  
20                  guess. Some of them, I guess.

21 BY MR. GENTRY:

22                  Q.     Okay. The Exhibit B that you brought  
23                  with you marked Gaston 1, it lists a total amount due  
24                  of \$208.59.

1 Do you see that?

2 A. Yeah.

3 Q. Do you know what that account involved?

4 A. Do I what?

5 Q. Do you know what that account involved?

6 A. No.

7 Q. Do you know why they sent you a 200  
8 dollar bill, Toledo Clinic?

9 A. No. Do you?

10 Q. Did you ask anyone at Finance System to  
11 explain that?

12 A. Once again, I don't remember.

13 Q. So you've gone to Toledo Clinic to obtain  
14 services, right?

15 A. Pardon me?

16 Q. So you have gone to Toledo Clinic to  
17 obtain services; is that right?

18 A. Yeah.

19 Q. And did you sign anything with the Toledo  
20 Clinic agreeing to make payments for the services?

21 A. What now?

22 Q. Did you sign an agreement with Toledo  
23 Clinic --

24 A. It's not with the Toledo Clinic -- it's

1 not with the Toledo Clinic. My doctors are with the  
2 Toledo Clinic.

3 Q. Okay. What's your doctor's name?

4 A. What am I supposed to do, run down all my  
5 doctors?

6 Q. Well, how many doctors do you have there  
7 with the Toledo Clinic?

8 A. All of them. And I've had multiple  
9 doctors with the Toledo Clinic, so ...

10 Q. Okay. So for any of these doctors that  
11 you've seen at the Toledo Clinic, have you signed a  
12 document agreeing to make payments for the services?

13 A. I don't know.

14 Q. Is that "I don't know," or is that just  
15 "no"?

16 A. I don't -- I don't know.

17 Q. Did you receive bills from the Toledo  
18 Clinic that -- for these accounts that are mentioned  
19 in these two letters that are Exhibits A and B?

20 A. I really couldn't tell you.

21 Q. Do you know who owns the right to collect  
22 these accounts?

23 A. The what?

24 Q. Who is the creditor for these accounts?

1 Is it the Toledo Clinic, or do you know?

2 A. I have no idea.

3 Q. Do you think that Finance System bought  
4 the debts?

5 A. I couldn't tell you.

6 Q. So when you read the Exhibit A, was it  
7 two pages in that original, or was it three pages or  
8 just one page? How many pages -- how many pieces of  
9 paper were in the original?

10 A. I don't remember.

11 MR. GENTRY: Nathan, is there some  
12 reason why we don't have the original  
13 here with us today?

14 MR. VOLHEIM: I will ask the same  
15 question again. You guys produced them,  
16 didn't you?

17 MR. GENTRY: The deposition notice  
18 required Mr. Gaston to bring the original  
19 letter with him today.

20 MR. VOLHEIM: Uh-huh.

21 MR. GENTRY: Is there some reason we  
22 don't have the original?

23 MR. VOLHEIM: I'm not being deposed  
24 here today, Boyd, so if you have issues,

1                   you can certainly speak to me about it  
2                   anytime, but not during the deposition of  
3                   my client.

4                   And number two, my client has  
5                   testified quite adamantly that he doesn't  
6                   know if he has originals or not. So  
7                   there's the answer to your question.

8 BY MR. GENTRY:

9                   Q.     Mr. Gaston, I already asked you if you  
10                   ever sued anyone, and you responded by saying no.

11                          Do you remember that testimony?

12                   A.     Uh-huh.

13                   Q.     Is that yes?

14                   A.     Yes. I don't remember ever suing  
15                   anybody.

16                   Q.     So when you went to Amy, whatever  
17                   happened to that?

18                          MR. VOLHEIM: Objection.

19                          Attorney-client privilege.

20                          Boyd, if you want to clean up your  
21                   question, I will consider having my  
22                   client answer. But right now I'm going  
23                   to instruct him not to because I have no  
24                   idea what you're asking.

1 BY MR. GENTRY:

2 Q. Well, you went to Amy about the issue  
3 that you discussed with Ms. Washington, this letter.

4 What did you ever do with that?

5 MR. VOLHEIM: Objection.

6 Attorney-client privilege.

7 You can answer the question,  
8 Mr. Gaston, to the extent you know.

9 THE WITNESS: Okay.

10 BY MR. GENTRY:

11 Q. What's your answer, please?

12 A. Well, what did I do about this? Well,  
13 we're here now, I guess, whatever you want to call  
14 this.

15 Q. Well, I'm here taking your deposition,  
16 talking to you.

17 A. Yeah. I don't think you're really  
18 talking. You're pressuring me.

19 Q. What did you do about these letters?

20 MR. VOLHEIM: Objection. Asked  
21 and answered.

22 You can answer again, Mr. Gaston.

23 THE WITNESS: Okay. What do you  
24 mean, what did I do about these letters?

1 BY MR. GENTRY:

2 Q. Well, you obviously decided not to sue  
3 anyone, right?

4 MR. VOLHEIM: Objection.

5 Misstates the testimony.

6 BY MR. GENTRY:

7 Q. Can you please answer it?

8 A. What are you looking for me to answer?

9 Q. I'm asking you is it right that you made  
10 the decision not to sue anyone?

11 A. I'm lost with the question.

12 Q. Earlier you told me you never sued  
13 anyone.

14 A. Right.

15 Q. Even though you went to consult with a  
16 lawyer, did you make the decision yourself to not file  
17 suit against anyone?

18 MR. VOLHEIM: Objection. Vague.

19 Boyd, are you talking about in  
20 reference to the current lawsuit, or are  
21 you talking about in general?

22 MR. GENTRY: I'm just trying to get  
23 an answer.

24 THE WITNESS: Answer to what?

1 BY MR. GENTRY:

2 Q. Did you make a decision to not sue  
3 anyone?

4 MR. VOLHEIM: Objection.

5 You can answer.

6 BY MR. GENTRY:

7 Q. You can answer.

8 A. I said that I've never sued no one  
9 before. I think that answer is good enough.

10 Q. Okay. Have you taken any medications in  
11 the last 24 hours that might affect your memory?

12 A. Well, let me -- hold on. Let me think.  
13 No.

14 Q. Were you able to drive to the deposition  
15 on your own?

16 A. Yeah.

17 Q. Is your -- what was your disability for?

18 A. My right hand.

19 Q. And does that prevent you from working?

20 A. It prevented me -- it prevented me from  
21 working in my field.

22 Q. And is it right that since 2004 you've  
23 not held any employment?

24 A. At that time, since then, I've done my



1 own landscaping.

2 Q. Okay. Under your own company name; is  
3 that right?

4 A. Well, no. I just do it for friends.

5 Q. So if you go back to Gaston 003, which is  
6 the second page of this Exhibit A, I want you to look  
7 at the column that says Principal. What does  
8 "principal" mean?

9 A. The full amount.

10 Q. What does the word "interest" mean to  
11 you?

12 A. What's added on to that.

13 Q. And so when you read this column of  
14 Principal in this letter today, you understand it to  
15 be the initial amount that you owed to Toledo Clinic  
16 on two accounts, right?

17 A. Uh-huh.

18 Q. Is that a yes?

19 A. Yes. My mouth is dry.

20 MR. NOWAK: Would you like more  
21 water, sir?

22 THE WITNESS: Thank you. Okay.

23 BY MR. GENTRY:

24 Q. Then you see the column that says

1 Interest, and you said that's the amount that's added  
2 on to the principal, right?

3 A. Uh-huh. Yes.

4 Q. So as you sit here today and read this,  
5 Principal and Interest, these two columns, do those  
6 mean that no amounts were added for interest?

7 A. Yeah. Not at that time.

8 MR. VOLHEIM: Objection.

9 Mr. Gaston, you can answer. And I  
10 apologize about cutting you off.

11 Objection, calls for speculation.

12 Mr. Gaston, you can answer, even  
13 though you already have.

14 THE WITNESS: Okay. No -- excuse  
15 me.

16 Not at that time, but will there be,  
17 just like the column Other, what is  
18 "other"? Why is Other on there?

19 BY MR. GENTRY:

20 Q. All right. So when you see that word  
21 "Other," what does that mean to you?

22 A. They could add some other fees on there.

23 Q. And when you look at this actual text, it  
24 has zeroes in for Other and zeroes for all the

1 Interest fields, right?

2 A. Right. At the time that they gave it --  
3 at the time they sent it to me.

4 Q. And so Finance System of Toledo told you  
5 in writing that it had not added interest or other  
6 charges to these principal amounts, right?

7 A. At that time.

8 Q. Has Finance System of Toledo ever told  
9 you, either before or after this Exhibit A, that they  
10 were adding interest or other amounts?

11 A. I can't tell you, because I don't recall  
12 talking to them.

13 Q. Right. So you would agree, they never  
14 told you that they were adding interest or other  
15 charges, right?

16 A. I didn't talk to them, so they couldn't  
17 tell me if I never talked to them.

18 Q. Right. So you would agree with me,  
19 right, that Finance System of Toledo never told you  
20 that it was seeking interest or other charges on these  
21 accounts, right?

22 A. I disagree with you, because they -- if I  
23 didn't talk to them, they couldn't tell me that they  
24 was or wasn't.

1           Q.     This document itself shows that  
2 Finance System of Toledo is not seeking any interest  
3 or any other charge.

4           A.     Then why -- then why even put it on  
5 there? Why just leave it other -- other places have  
6 not even put nothing on there. Why not just send --  
7 why not just send the letter and just say -- why not  
8 just send the first page?

9           Q.     Well, let's look at Exhibit B, the April  
10 5th, 2018, letter. Do you see that? What you brought  
11 with you today is just one page, right?

12          A.     Exactly. So why not just -- why not just  
13 send that?

14          Q.     Now, if you look at the total amount due,  
15 \$208.59, right?

16          A.     Yeah.

17          Q.     How much of that was principal and how  
18 much was interest or other charges?

19          A.     Don't know.

20          Q.     Because that one page does not give you  
21 any type of detail of how that \$208.59 was tallied,  
22 correct?

23          A.     I imagine.

24          Q.     Okay. And so the Exhibit B, what you're

1 showing me, has a column for Principal, a column for  
2 Interest, a column for Other showing you that there  
3 was no interest and no other charge added to the  
4 principal balances, right?

5 A. At that time, yeah.

6 Q. And there's no other communication from  
7 Finance System of Toledo that changed the Interest or  
8 Other column, right?

9 A. I would imagine.

10 Q. Right. But you would agree with me,  
11 right, they never told you that you owed interest or  
12 other charges on these accounts, right?

13 A. Once again, I have not talked to them.

14 Q. And so this Exhibit B gets you a  
15 breakdown of how the total amount, \$775.30, came to  
16 be, right?

17 A. I would imagine.

18 Q. And it did it in a fashion that was easy  
19 for you to understand just sitting here reading  
20 through it, because it's only taken a couple minutes  
21 to look at it, and you know exactly where it comes  
22 from, you know that it all comes from principal and  
23 not interest or other charges, right?

24 A. Maybe they sent.

1                   MR. VOLHEIM: Hold on. Mr. Gaston,  
2 hold on.

3                   Is there a question in there or are  
4 you just making a statement?

5                   MR. GENTRY: Well, I've asked him a  
6 question, and he's --

7                   MR. VOLHEIM: I don't hear a  
8 question in there.

9                   MR. NOWAK: This is James Nowak. I  
10 just want to clarify, because I think  
11 you're saying Exhibit B, and I think what  
12 you're referring to is Exhibit A, the  
13 second page of Exhibit A.

14                   MR. GENTRY: Yes, I'm sorry. I was  
15 talking about Exhibit A.

16                   So I'll restate the question for  
17 you, Nathan, make it clear, since I made  
18 a mistake there.

19 BY MR. GENTRY:

20                   Q. The second page of this Exhibit A gave  
21 you a detailed breakdown of how the total amount was  
22 calculated, right?

23                   A. Yeah.

24                   Q. And it demonstrated to you in Exhibit A

1 that Finance System was not seeking interest or other  
2 charges on these accounts, right?

3 A. At that time, yes.

4 Q. And you're aware that if Toledo Clinic  
5 were to file suit against you for these balances and  
6 it gets a judgment, it could seek judgment rate  
7 interest on those accounts, right?

8 MR. VOLHEIM: Objection. Hold on,  
9 Mr. Gaston.

10 Objection. Asked and answered calls  
11 for a legal conclusion.

12 You can answer again, Mr. Gaston, to  
13 the extent that you know.

14 THE WITNESS: Okay. I would imagine  
15 so.

16 BY MR. GENTRY:

17 Q. And so if a judgment were to be rendered  
18 against you, the Toledo Clinic files suit and gets a  
19 judgment on those accounts, at that point, if the  
20 judgment had interest, there might be a dollar amount  
21 to put in the Interest column, right?

22 A. Probably.

23 MR. GENTRY: Objection. Calls for  
24 a legal conclusion. Incomplete

1                   hypothetical.

2       BY MR. GENTRY:

3               Q.     And in that judgment, the court might  
4     also award court costs, which could go into the Other  
5     column, right?

6                   MR. VOLHEIM:   Same objection.

7                   Go ahead, Mr. Gaston.

8                   THE WITNESS:   Probably.

9       BY MR. GENTRY:

10            Q.     Okay.   And if you go to Exhibit B, again,  
11   the April 5th, 2018, letter, the format of that letter  
12   gives you less information, right?

13            A.     Uh-huh.

14            Q.     Is that a yes?

15            A.     Yes.   And maybe it was less information  
16   because it was only one account; and this Exhibit A,  
17   second page, it was multiple accounts, if we want to  
18   get technical about it.

19            Q.     And if you are getting a letter from a  
20   debt collector, would you like that debt collector to  
21   give you less information or more complete  
22   information?

23            A.     Probably more information.

24            Q.     Mr. Gaston, have you ever been charged



1 with a felony?

2 A. No.

3 Q. Have you ever been convicted of a crime  
4 of dishonesty, like writing bad checks?

5 A. No.

6 Q. Are you claiming that you have lost or  
7 spent money as a result of receiving these two letters  
8 marked as Exhibits A and B?

9 A. Do what?

10 Q. Are you claiming today that you have lost  
11 money because you received these letters marked  
12 Exhibits A and B?

13 A. No.

14 Q. Are you aware that the lawyers in Chicago  
15 filed a federal lawsuit on your behalf?

16 A. Not sure.

17 Q. And so you won't know where that lawsuit,  
18 what state or city it's pending in, would you?

19 MR. VOLHEIM: Objection.

20 Relevance.

21 Go ahead and answer, Mr. Gaston.

22 THE WITNESS: I'm going to say not  
23 sure.

24 BY MR. GENTRY:

1 Q. Are you married?

2 A. Nope, no.

3 Q. Were you married in January or April of  
4 2018?

5 A. Wait a minute. Let me think.

6 No.

7 Q. When you've been to the Toledo Clinic, do  
8 you recall if you ever signed a document that -- in  
9 which document you would have agreed to pay interest  
10 or other charges beyond the principal balance for the  
11 services rendered?

12 A. No, no.

13 Q. So if you were to get in front of a jury  
14 on this federal lawsuit that your lawyer's filed on  
15 your behalf, are you going to tell them that you  
16 suffered damages?

17 MR. VOLHEIM: Objection. Calls  
18 for a legal conclusion.

19 You may answer, Mr. Gaston.

20 THE WITNESS: Okay. No.

21 BY MR. GENTRY:

22 Q. So you're not going -- and by "damages,"  
23 I also mean harm. You're not going to tell the jury  
24 that you were harmed by these two letters, right?

1           A.     No.

2           Q.     All right. And I don't mean to pester  
3 you, but I want to make sure I'm clear, because I  
4 think you're agreeing with me, but you're answering in  
5 the negative. So I'm just going to ask it in a  
6 different way, because I think I worded it poorly.

7                   Have you been harmed by receiving these  
8 two letters in the mail?

9           A.     No, once again.

10                   MR. GENTRY: Okay. We can go off  
11 the record. I want to take just maybe a  
12 five-minute break if that's okay.

13                   (A brief recess was had.)

14                   (Court Reporter marked Defendant's  
15 Exhibit C.)

16 BY MR. GENTRY:

17           Q.     We took a brief recess and we're back on  
18 the record. The witness has been handed what's been  
19 marked as Exhibit C as in Charlie.

20                   Mr. Gaston, is Exhibit C a judgment  
21 against you?

22           A.     Yeah. It looks like it.

23           Q.     Have you satisfied that judgment?

24           A.     Okay. First of all, what does that have

1 to do with this?

2 Q. Have you made any payment toward that  
3 judgment?

4 A. Once again, what does that have to do  
5 with this?

6 Q. Mr. Gaston, I appreciate that you don't  
7 understand what this has to do with it, but I don't  
8 have to explain to you what this has to do with this  
9 case. I'm going to ask you again, please answer the  
10 question.

11 THE WITNESS: Okay. Do I have to  
12 answer this question? My attorney.

13 MR. VOLHEIM: Mr. Gaston, it has no  
14 relevance, but you can go ahead and  
15 answer. That's fine.

16 THE WITNESS: Actually, I turned  
17 this over to my attorney, so if you want  
18 to know anything, you can call  
19 Mr. Ed Snyder. He'll answer the  
20 question.

21 So I'm done -- I'm done answering  
22 the questions about this. So you can  
23 contact Ed Snyder.

24 BY MR. GENTRY:

1           Q.     Mr. Gaston, you're here under oath in a  
2 deposition. I can only ask you the questions.

3           A.     Okay. So I gave you my answer. Contact  
4 my attorney, Ed Snyder.

5           Q.     Are you refusing to answer if you've made  
6 any payments for this judgment?

7           A.     Contact Mr. Ed Snyder.

8           Q.     So I'll take that as -- I'll assume that  
9 you have not made any payments to satisfy this  
10 judgment.

11          A.     Since this has no relevancy to why we're  
12 here, you can contact Mr. Snyder.

13          Q.     Do you see the judgment awarded against  
14 you is for 1,595 dollars?

15          A.     I'm not blind.

16          Q.     Plus statutory interest and court costs,  
17 right?

18          A.     Okay.

19          Q.     That's what it says, right?

20          A.     I guess. I ain't really looked at it  
21 recently.

22          Q.     You said you're not blind. Go ahead and  
23 take a moment to read it.

24          A.     Okay.

1           Q.     And so if you have not satisfied that  
2 judgment, the amount of interest that has accrued  
3 would make the amount owed larger than 1,595 dollars  
4 today, right?

5           A.     Maybe, maybe not.

6                     MR. VOLHEIM:  Objection.

7                     Objection.  Hypothetical.

8                     You can answer, Mr. Gaston.

9                     THE WITNESS:  Maybe, maybe not.

10                    That's why I have an attorney.  That's  
11 why I said contact him.

12 BY MR. GENTRY:

13           Q.     Do you know how much interest has accrued  
14 on that judgment?

15           A.     I just said contact Mr. Snyder.  I turned  
16 it over to him.  That's why you have an attorney, for  
17 them to negotiate.

18           Q.     Mr. Gaston, I can hear you clearly.  
19 There's no need for you to raise your voice.

20           A.     Well, apparently, you don't understand,  
21 because you've been asking the same questions in  
22 different ways for the majority of this deposition.

23           Q.     Again, Mr. Gaston, there's no need to  
24 yell.

1                   Do you know how much court costs were in  
2 this case?

3           A.     Do what?

4           Q.     Do you know how much court costs were  
5 awarded against you in that case?

6           A.     I can't tell you. I know nothing about  
7 it. Ask Mr. Snyder.

8           Q.     The lawyers that filed that suit were  
9 from the law firm of Scheer, Green & Burke, right?

10          A.     Yeah. That's what the letter says.

11          Q.     Well, that's what the judgment says.  
12 Those were the attorneys for the plaintiff, the City  
13 of Toledo.

14                   Have those lawyers sent you any  
15 correspondence telling you that you owe interest or  
16 court costs?

17                   MR. VOLHEIM: Objection.  
18 Relevance.

19                   Go ahead, Mr. Gaston. We can play  
20 Mr. Gentry's games.

21                   THE WITNESS: Okay. Once again, I  
22 turned it over to my attorney. So it's  
23 out of my hands.

24 BY MR. GENTRY:

1           Q.     I'm not asking you if you turned anything  
2 over to your attorney or anything is in your hands.

3                     I'm asking you if you received a letter  
4 from Scheer, Green, & Burke indicating that you owed  
5 interest or court costs on this judgment.

6           A.     If I turned it over to my attorney, I'm  
7 sure that he would have gotten in touch with them,  
8 stopping them from communicating with me.

9           Q.     But you're still not directly answering  
10 the question.

11          A.     Yes, I did.

12          Q.     Did they send you a letter?

13          A.     I answered the question. I'm going to  
14 answer it the same way once again.

15          Q.     Go ahead.

16          A.     I just did.

17          Q.     Did they send you such a letter?

18          A.     I don't recall. There's my answer.

19          Q.     If you go back to Exhibit A, the second  
20 page contains columns and rows for multiple accounts.

21          A.     Uh-huh.

22          Q.     Some of those accounts show a zero  
23 principal balance, right?

24          A.     Uh-huh.



1 Q. Is that a yes?

2 A. Yes.

3 Q. And so when you see an account like the  
4 first one, EPNO INC TOLEDO, with a zero Principal and  
5 a zero Interest and a zero Other, what does that mean  
6 to you?

7 A. We've got a zero principal. That means I  
8 don't owe anything, or that means it was paid.

9 Q. Does that mean that you might owe  
10 something in the future to EPNO?

11 A. Pardon me?

12 Q. Does that mean in the future you might  
13 owe something else to EPNO?

14 A. No. It was probably something there and  
15 it was paid.

16 Q. Right. How about the next line down --

17 A. Same thing.

18 Q. -- the next one, Allstar Disposal, right?

19 A. Uh-huh.

20 Q. Did you pay that one?

21 A. Same thing.

22 Q. Did you deal with Allstar Disposal?

23 A. Did I deal with them?

24 Q. Yeah. You were a customer, right?

1 A. Yeah.

2 Q. And what did they do for you?

3 A. I paid them.

4 Q. But what kind of service did they provide  
5 for you?

6 A. Garbage.

7 Q. What was this, like your residential  
8 garbage, or was it hauling like residential landscape  
9 projects away?

10 A. Residential.

11 Q. Okay. And so you called Allstar Disposal  
12 directly, and paid whatever bill that Finance System  
13 knew about; is that right?

14 A. No, I didn't pay that. We came up on a  
15 mutual agreement.

16 Q. You and Allstar Disposal, right?

17 A. Exactly.

18 Q. Okay. And so then when you got this  
19 letter that's Exhibit A, and it shows Allstar Disposal  
20 has zero Principal, zero Interest, these zero Other,  
21 you knew that was because you had paid off that  
22 Allstar Disposal account, or you had satisfied it,  
23 right?

24 A. Right.

1           Q.     And then if we skip a couple lines down,  
2     there's a Toledo Clinic reference No. 28093870001, and  
3     it has a zero Principal, zero Interest, and zero  
4     Other, is that because you had made payments and paid  
5     that one off as well?

6           A.     I would imagine. I can't recall talking  
7     to them or nothing. But I would imagine at some  
8     point, probably.

9           Q.     Are you still treating with doctors at  
10    the Toledo Clinic?

11          A.     All the time.

12          Q.     And do you ever -- have you ever gotten a  
13    letter like this from Finance System and then you went  
14    directly to Toledo Clinic to make a payment?

15          A.     No.

16          Q.     So you think maybe some of the payments  
17    that you had paid off for Toledo Clinic accounts would  
18    have been through Finance System?

19          A.     Because I have no idea what these -- I  
20    have no idea what these bills are for or who they  
21    are -- or what doctors they're for.

22          Q.     Do you see where each of the account  
23    listings on that second page of that Exhibit A shows a  
24    date of service and a client reference number? Do you

1 see that?

2 A. Right.

3 Q. And so have you taken any steps to --

4 A. But the date of service could be -- could  
5 be multiple, multiple doctors, and all they did was  
6 jammed all the -- just jammed it all up in one deal.

7 Q. Have you taken any steps to learn what  
8 happened on those dates?

9 A. No.

10 Q. Do you want to know if you owe this  
11 money?

12 A. I'm sure I do.

13 Q. You're sure you do owe it, is that what  
14 you're saying, or are you sure you want to know?

15 A. I'm sure I will. I've taken care -- I'm  
16 sure I've taken care of some of the ones that's got  
17 zeroes on them.

18 MR. GENTRY: All right. I think  
19 that's all the questions I had, Nathan.  
20 You indicated you were going to ask some,  
21 so I'll yield the floor to you.

22 - - -

23 EXAMINATION

24 BY MR. VOLHEIM:

1           Q.     Mr. Gaston, as I said, I'll try to be  
2 very brief. Counsel gave a -- I'm going to first ask  
3 you to look at Exhibit A, and then the second page of  
4 Exhibit A. There is a category on there which says  
5 Other.

6                     Do you see that category?

7           A.     Yes.

8           Q.     Where in this document, and you can look  
9 either on page 2 or page 1. Anywhere in this document  
10 does this say what Other means or what Other  
11 encompasses?

12          A.     No.

13          Q.     Does it say that Other means court costs?

14          A.     No, nothing.

15          Q.     Does it give you any indication -- does  
16 it give you any indication of what Other refers to?

17          A.     No.

18          Q.     There are five different debts listed on  
19 page 2. Do you see that?

20          A.     Yes.

21          Q.     Do you have other debts -- in the last  
22 five years, let's just go back five years, have you  
23 had other debts or other obligations owed to Toledo  
24 Clinic that is not listed here?

1           A.     Yes.

2           Q.     So it's fair to say that this is not a  
3 complete list of accounts that you've had with Toledo  
4 Clinic.

5           A.     No.

6           Q.     Okay. I'm going to ask you to look at  
7 what counsel marked as Exhibit C, which is the copy of  
8 the judgment, and I'm going to direct your attention  
9 to paragraph 2.

10                   And paragraph -- and I know you can read  
11 it, but I'm just going to read it for the record.

12                   "It is therefore Ordered, Adjudged," I'm  
13 a lawyer and I don't even know that word, "and Decreed  
14 that the plaintiff have judgment against defendant in  
15 the sum of \$1595.00 plus statutory interest and court  
16 costs."

17                   Anywhere in that sentence does it say the  
18 word "other"?

19           A.     No.

20           Q.     Is it clear to you from reading that  
21 sentence what the amount of the judgment is?

22           A.     Not really, no. It just says 1595 plus  
23 interest and court costs.

24           Q.     Okay. And it doesn't say any other

1 categories of fees, correct? Like it doesn't say  
2 "other" or anything like that.

3 A. No. No. No.

4 Q. Mr. Gentry today has shown you some  
5 documents. Has he shown you any documents that you  
6 signed from Cleveland Clinic -- I'm sorry. Strike  
7 that.

8 Has Mr. Gentry shown you any documents  
9 today that you signed from the Toledo Clinic?

10 A. No.

11 Q. If you had signed a document with the  
12 Toledo Clinic allowing interest or other charges to be  
13 added to your debt, do you think Mr. Gentry would have  
14 showed that to you?

15 A. Yeah.

16 Q. Earlier, Mr. Gentry asked you in  
17 reference to the two collection letters that we've  
18 looked at today if you would rather have more  
19 information or less information.

20 Do you recall him asking you about that?

21 A. Yes.

22 Q. And I believe you said that you would  
23 rather have more information, right?

24 A. Yes.

1           Q.     Would you rather have more information or  
2 accurate information?

3           A.     Well, more information, but as long as it  
4 was accurate information.

5           Q.     So is it fair to say that if you get a  
6 bunch of information but it's not clear or it's not  
7 true, that's not helpful to you?

8           A.     Right.

9                   MR. GENTRY:  Objection.  Leading.  
10                   That was a leading question.  
11                   Objection.

12                   MR. VOLHEIM:  We heard you the first  
13 time.  Thank you.

14 BY MR. VOLHEIM:

15           Q.     The letter that's Exhibit A -- I just  
16 have a few more questions, Mr. Gaston.

17                   Exhibit A, is this letter, particularly  
18 with reference to page 2, is it confusing to you?

19                   MR. GENTRY:  Objection.  
20                   Leading.

21                   THE WITNESS:  Well, yes.

22 BY MR. VOLHEIM:

23           Q.     You can answer, Mr. Gaston.

24           A.     Well, yes, because it's got Principal,



1 and then it's got Interest, and it's got Other. Like  
2 it is, are they going to add interest and other,  
3 whatever other is, at a different point in time?

4 MR. VOLHEIM: That's all the  
5 questions that I have for you,  
6 Mr. Gaston.

7 Mr. Gentry may have one or two  
8 follow-up questions.

9 MR. GENTRY: I do, thank you.

10 - - -

11 RE-EXAMINATION

12 BY MR. GENTRY:

13 Q. If the judgment that is in Exhibit C had  
14 stated that the judgment was for 1,595 plus zero  
15 interest and zero court costs, would you understand  
16 that no interest and court costs were owed?

17 A. Yes.

18 Q. And so that would make it more clear,  
19 wouldn't it?

20 A. Exactly. Because I know then the exact  
21 amount.

22 Q. And as the judgment stands now, you're  
23 not really sure, as it reads now, you can't tell how  
24 much interest and what are the court costs, right?

1           A.     Right.

2           Q.     And so the information in the Exhibit A,  
3     like the letter we have been talking about, it was  
4     accurate on the day that it was sent to you and the  
5     day you received it, right?

6           A.     I would imagine.

7                     MR. VOLHEIM:  Objection.  Calls  
8                     for his speculation.

9                     You can answer, Mr. Gaston.

10                    THE WITNESS:  Okay.  I would  
11                    imagine.

12  BY MR. GENTRY:

13           Q.     And you have no reason to think that  
14     there is interest or other charges that have been  
15     added through today for the amounts in Exhibit A,  
16     right?

17           A.     I really can't say, because I really  
18     haven't gotten anything else from them.

19           Q.     And so if you had received another letter  
20     from Finance System of Toledo with the same account,  
21     and they -- you know, like a later letter, and they  
22     showed that there was still no interest, still no  
23     Other charge for these accounts, would that  
24     demonstrate to you clearly that there was still no

1 interest and still no Other charge to the account?

2 MR. VOLHEIM: Objection.

3 Hypothetical.

4 You can answer, Mr. Gaston.

5 THE WITNESS: I guess.

6 MR. GENTRY: That's all the  
7 questions I have. Thank you.

8 MR. VOLHEIM: Mr. Gaston, I'm done.  
9 I appreciate very much your time today.

10 THE WITNESS: Thank you.

11 THE COURT REPORTER: Do you need to  
12 discuss signature?

13 MR. VOLHEIM: No. We'll sign.

14 (Deposition concluded and witness  
15 excused at 12:17 p.m.)

16 (Signature reserved.)

17 - - -

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## SIGNATURE PAGE

Date of Deposition: September 10, 2019

Correction page(s) enclosed? Yes\_\_\_\_ No\_\_\_\_

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## C E R T I F I C A T E

I, Casey G. Schreiner, a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was by me reduced to stenotype in the presence of said witness and afterwards transcribed; that the foregoing is a true and correct transcription of the testimony so given as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any of the parties in this action; that I am not a relative or employee of an attorney of any of the parties in this action; that I am not financially interested in this action, nor am I or the court reporting firm with which I am affiliated under a contract as defined in the applicable civil rule.

1  
2 IN WITNESS WHEREOF, I have hereunto set  
3 my hand and affixed my seal of office at Toledo, Ohio  
4 on this 23rd day of September, 2019.

5  
6 

7 CASEY G. SCHREINER, RMR-RDR  
8 Notary Public  
9 in and for the State of Ohio

10 My Commission expires December 26, 2021.  
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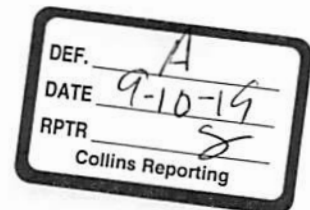
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<u>Client Name</u>	<u>Client Ref No</u>	<u>Principal</u>	<u>Interest</u>	<u>Other</u>	<u>Total</u>
EMMO INC TOLEDO	██████000	.00	.00	.00	.00
DATE OF SERVICE	12/25/12				
ALLSTAR DISPOSAL		.00	.00	.00	.00
DATE OF SERVICE	11/11/14				
TOLEDO CLINIC I	██████0001	734.16	.00	.00	734.16
DATE OF SERVICE	01/16/14				
TOLEDO CLINIC I	██████0001	.00	.00	.00	.00
DATE OF SERVICE	01/14/15				
TOLEDO CLINIC I	██████786 16019	41.14	.00	.00	41.14
DATE OF SERVICE	12/28/16				
					<hr/> 775.30



**FINANCE SYSTEM OF TOLEDO, INC.**  
PO Box 1934  
Southgate, MI 48195-0934

CREDITOR: TOLEDO CLINIC INC  
CLIENT REF#: 200095786 2622845 FST ID NUMBER: 0009142510

Robie Gaston  
6543 Dorr St Apt G43  
Toledo, OH 43615-4217

PAY BY MASTERCARD, DISCOVER, VISA OR AMERICAN EXPRESS. FILL OUT BELOW.			
<input type="checkbox"/> MasterCard	<input type="checkbox"/> Discover	<input checked="" type="checkbox"/> VISA	<input type="checkbox"/> American Express
CARD NUMBER	EXP. DATE	AMOUNT	
SIGNATURE		MERCHANT'S NAME STREET ADDRESS CITY AND STATE ZIP	
SHOW AMOUNT PAID HERE		\$	

AMOUNT DUE: \$208.59  
DATE: 04/05/18  
Phone: (419) 578-4343 \* Toll Free: (888) 665-6665 \* Fax: (419) 578-4330

**MAKE CHECKS PAYABLE TO:**

FINANCE SYSTEM OF TOLEDO, INC.  
PO BOX 351297  
TOLEDO, OH 43635-1297

\*\*\* PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT \*\*\*

DATE: 04/05/18

FSTID01 643019735982 132040011260003

CREDITOR: TOLEDO CLINIC INC  
CLIENT REF#: 200095786 2622845  
TOTAL AMOUNT DUE: \$208.59  
FST ID NUMBER: 0009142510

**THIS BILL HAS BEEN PLACED FOR COLLECTION BY**  
**TOLEDO CLINIC INC**

MAKE YOUR PAYMENT ONLINE AT [www.FST1962.COM](http://www.FST1962.COM)  
\* USING FST ID NUMBER: 0009142510

DEF.	B
DATE	9-10-19
RPTR	S
Collins Reporting	

### IMPORTANT CONSUMER NOTICE

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGEMENT AND MAIL YOU A COPY OF SUCH JUDGEMENT OR VERIFICATION. IF YOU REQUEST THIS IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. ALL RETURNED CHECKS ARE SUBJECT TO A \$30.00 SERVICE CHARGE PLUS BANK FEES.



**FINANCE SYSTEM OF TOLEDO, INC.**  
2821 N. Holland-Sylvania Rd.  
PO Box 351297  
Toledo, OH 43635-1297  
Phone: (419) 578-4343 \* Toll Free: (888) 665-6665  
Fax: (419) 578-4330

GASTON 000001

**The Municipal Court of Toledo**  
**Lucas County, Ohio**

CVF-18-15091



TOLEDO MUNICIPAL COURT

City of Toledo Camera Violation 2019 JAN -8 JUDGMENT ENTRY

J.E. Tendered

PLAINTIFF

DEC 04 2018

TOLEDO MUNICIPAL COURT

-VS-

ROBIE GASTON

DEFENDANT

CASE NO. CVF18-15091

CLERK

: Scheer, Green and Burke, Co. L.P.A.  
 Attorneys for Plaintiff  
**Business location:**  
 : One Seagate, Suite 640  
 Toledo, Ohio 43604  
**Mailing address:**  
 : P.O. Box 1335  
 Toledo, Ohio 43603  
 Phone: (419)243-2283  
 FAX: (419)463-9139  
 : (Michael J. Burke - 0001284)  
 (Hal D. Burke - 0069015)

This cause came on for hearing upon plaintiff's Complaint and the Court finds that the defendant is in default for answer or other pleading and plaintiff is entitled to a judgment.

It is therefore, ORDERED, ADJUDGED AND DECREED that the plaintiff have judgment against defendant in the sum of \$1595.00 plus statutory interest and court costs. Upon any payment, Plaintiff shall immediately forward any outstanding court costs to the Toledo Municipal Court, Clerk of Courts.

JUDGE

APPROVED:

ATTORNEY FOR PLAINTIFF

DEF.	C
DATE	9-10-19
RPTR	S
Collins Reporting	

JOURNALIZED SMG DEC 13 2018

File #: 08744689

JAN 08 2019